THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.25652/1995

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Dr. Pachigolla Madhusudhana Rao ..Petitioner

V.

1. Revenue Divisional Officer, Amalapuram, East Godavari District and another
..Respondents.

THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.25652/1995

ORAL ORDER

None appears on either side.

Perused the record.

This writ petition is filed for quashing 4(1) notification dt. 29-5-1995 issued by the second respondent for acquisition of the petitioner's land to an extent of Ac.2-00 in RS No.663/5 in Mummidivaram village, East Godavari District.

The petitioner is the owner of land ad-measuring Ac.3-98 cents in RS No.663/5. Sec. 4(1) notification under Land Acquisition Act, 1894 (for short "the Act") proposing to acquire an extent of wet land Ac.2-00 in RS No.663/5 out of Ac.3-98 cents of the petitioner for the purpose of providing house sites to 36 beneficiaries of SC, ST and BC community in Kasivarithumu H/o Mummidivaram was approved on 29-5-1995 and the same was got published in the East Godavari District Gazette on 17-6-1995, in news paper on 21-7-1995 and in the locality on 19-7-1995. Notice under Section 5-A of the Act

was issued inviting objections from all the persons interested. The petitioner attended 5-A enquiry before the Land Acquisition Officer and Revenue Divisional Officer, Amalapuram and raised objections, which were not considered. When proposals for draft declaration under Section 6 were submitted to the District Collector, the petitioner filed the present writ petition and obtained stay of all further proceedings.

In the counter-affidavit filed by the Revenue Divisional Officer, Amalapuram, it is stated that in view of stay granted by this court the beneficiaries to whom the land of the petitioner was proposed for acquisition put up a representation to the Collector, East Godavari on 12-7-1995 requesting that they may be provided house sites in S.Nos.685/2 and 685/3 of Mummidivaram village or in any other land and they were adjusted in S.No.24/2 ad-measuring Ac.2-50 cents of Mattadivaripalem h/o Mummidivaram and also in S.No.982/10

ad-measuring Ac.2-48 cents of Mummidivaram village. In view of adjusting the petitioners in other survey numbers, the notification issued under Section 4(1) dt. 29-5-1995 proposing to acquire the land of the petitioner to an extent of Ac.2-00 cents was proposed to be withdrawn under Section 48(1) of the Act.

In view of the categorical statements made in the counter-affidavit, no cause survives for adjudication in the present writ petition.

The writ petition is accordingly dismissed. No costs.

13-3-2006

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